

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 11/17/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY ATTORNEY'S OFFICE	ITEM NO. D-3
ITEM DESCRIPTION: AMENDMENTS TO PARADE ORDINANCE		PREPARED BY: TERRY ADKINS TA

The City of Chicago's parade ordinance has come to my attention. The 7th Circuit Court of Appeals heard a legal challenge to this parade ordinance, but found it to be legal and constitutional. As a result of its legality having already been firmly established, I am interested in using some of the ordinance's provisions.

Although Chicago's parade ordinance is much more extensive than Rochester's parade ordinance and includes provisions not applicable to our city, it does have several interesting points and detail that might help out our parade ordinance. For example, the Chicago ordinance allows the Council to amend some minor details of the proposed parade route without formally denying the parade permit and, if it does deny a parade permit, to issue an alternate permit that contains alternate dates, times and locations. Chicago's ordinance also provides more specific criteria as to when the permit must be issued.

I have taken some of the Chicago ordinance provisions and meshed them with our current ordinance. The result is attached. The City Clerk and a representative of the Police Department have reviewed the proposed ordinance and believe it is an improvement over our current ordinance. Accordingly, I recommend the revised ordinance for your consideration.

Council Action Requested:

Motion to instruct the City Attorney to formally prepare the proposed amendments to the current parade ordinance, and to give the ordinance its first reading.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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ORDINANCE NO. ____

AN ORDINANCE AMENDING AND REENACTING
CHAPTER 144 OF THE ROCHESTER CODE OF
ORDINANCES, RELATING TO PARADES.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Chapter 144 of the Rochester Code of Ordinances is hereby created and enacted to read as follows:

144. PARADES

144.01. Definitions. Subdivision 1. "Applicant" means the person who signs the application for a permit.

Subd. 2. "Appropriate city officials" means the mayor, city administrator, fire chief, police chief and public works director.

Subd. 3. "Council" means the Common Council of the City of Rochester, Minnesota.

Subd. 4. "Parade" means any march, procession or other similar activity consisting of persons, animals, vehicles or things, or combination thereof, upon any public street, sidewalk, alley or other public place or right-of-way, which does not comply with normal and usual traffic regulations or controls. This term does not include a funeral procession.

144.02. Permit. No person shall conduct, sponsor or knowingly participate in a parade unless the Council has granted a permit for that parade.

144.03. Application for Permit. Subdivision 1. Any person who wants to conduct or sponsor a parade must apply to the city clerk for a permit at least ten days in advance of the date of the parade. The city clerk will refer the application to the appropriate city officials for comments as to whether the application satisfies the findings provided for in Section 144.04, subd. 2.

Subd. 2. The city clerk must receive and process an application for a permit which is filed less than ten days prior to the date the parade is to occur only if the city clerk determines there is sufficient time to receive

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comments from the appropriate city officials and to present the application to the Council or to individual common council members.

Subd. 3. An application for a permit must contain the following information, which must be updated by the applicant as circumstances change:

- A. Name, address and daytime telephone number of the applicant and, if applicable, the organization with which the applicant is affiliated or on whose behalf the applicant is applying.
- B. The date of the proposed parade and the hours that it will commence and terminate.
- C. The location and exact street address of the parade assembly and disbanding areas, and the time when the parade will begin to assemble and disband.
- D. The approximate number of persons and vehicles, floats or other units to participate in the parade.
- E. The route along which the parade will proceed and the sidewalks or lanes of traffic it will occupy; and,
- F. A list identifying the type and number of all animals the applicant intends to have at the parade.

Subd. 4. The application must be accompanied by payment of the license fee as established by the Council.

144.04. Issuance of Permit. Subdivision 1. The Council must issue a parade permit if it can make those findings listed in subdivision 2 of this section.

Subd. 2. The relevant findings for the issuance of a parade permit are as follows:

- A. The proposed parade will not substantially or unnecessarily interfere with traffic in the area contiguous to the activity, or that, if the activity will substantially interfere with such traffic, there are available at the time of the proposed parade sufficient city resources to adequately mitigate the disruption;
- B. There will be available at the time of the proposed parade a sufficient number of peace officers, traffic control officials or

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authorized volunteers to police and protect lawful participants in the parade and non-participants from traffic related hazards in light of the other demands for police protection at the time of the proposed parade.

- C. The concentration of persons, animals, vehicles or things at the assembly and disbanding areas and along the parade route will not prevent proper police or fire protection, or ambulance service.
- D. The proposed parade will not be conducted for an unlawful purpose or in an unlawful manner. Federal, state and local laws will determine a lawful purpose and a lawful manner.
- E. The proposed parade will not interfere with the use of the requested area by another person to whom a valid permit has been issued for the same area or route.
- F. The application contains sufficient information about the proposed route and crowd.

Subd. 3. The Council may limit the parade to the sidewalk or to one or more traffic lanes of a street when it determines such limited area is capable of accommodating the number of people anticipated to participate in the parade and the experience of previous comparable parades. The Council's action under this subdivision will not be considered a denial of the application for a parade permit.

Subd. 4. Except as otherwise provided by law, all applications for parade permits will be processed on a first-come, first-serve basis.

144.05. Informal Approval. If there is no Council meeting between the time the application is filed with the city clerk and the date of the parade, the city clerk must contact each of the available Council members to determine whether they can make the findings required in Section 144.02, subd. 2. The city clerk must inform each Council member contacted of the appropriate city officials' comments. If four Council members approve of the application, the city clerk must issue a permit to the applicant.

144.06. Alternate Parade Permit. When the Council denies an application for a parade permit, the Council may authorize the issuance of a permit for a date, time, location or route that is different from that named by the applicant. This alternate parade permit will, to the extent practicable, authorize an event that will have comparable public visibility and a similar route, location and date to that of the proposed parade. An applicant desiring to accept an alternate parade permit must, within five business days

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following notice of the Council's approval of such a permit, file a written notice of acceptance with the city clerk.

144.07. Penalty. Any person who violates this section is guilty of a petty misdemeanor.

Section 2. This ordinance shall be effective from and after publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS ____ DAY OF _____, 2003.

PRESIDENT OF SAID COMMON COUNCIL

ATTEST: _____
CITY CLERK

APPROVED THIS ____ DAY OF _____, 2003.

MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

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